

DEC 09 2019

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

Vs.

Bakunduwukize Desire

CRIMINAL COMPLAINT

Case Number: C-19-4585m

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about December 8, 2019 in Brooks County, in the
(Date)

Southern District of Texas, defendant, **Bakunduwukize Desire**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law


in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the
Official Title
following facts:

See Attached Affidavit of U.S. Border Patrol Agent **David Stone**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:


Signature of Complainant
David Stone
Printed Name of Complainant

October 9, 2019

Date

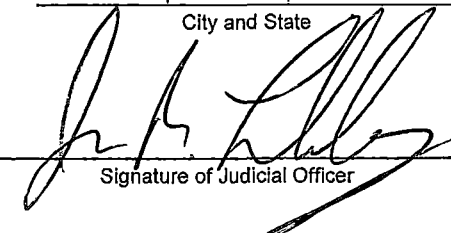
at

Corpus Christi, Texas

City and State

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

SYNOPSIS:

On December 8, 2019, Bakunduwukize DESIRE was arrested at the Falfurrias, Texas Border Patrol Checkpoint attempting to smuggle one illegal alien.

ENCOUNTER:

At approximately 9:00 p.m., Border Patrol Agents assigned to the Falfurrias Texas Border Patrol checkpoint observed a Nissan Altima with a male driver and male front seat passenger approach the primary inspection lane for immigration inspection. The agent asked the driver, later identified as Bakunduwukize DESIRE, where they were going. The driver stated they were going to Houston, Texas. The agent asked the driver to wake up the front seat passenger, later identified as Jose CLAROS-Torres, in order to conduct an immigration inspection. The driver attempted to wake up the passenger several times with no success. The agent asked the driver who the passenger was. DESIRE stated, he was his friend and they just left a party in McAllen, Texas. During the inspection, the agent was informed by the on duty canine handler that his service canine was alerting to the vehicle. At that point the agent referred the vehicle to secondary inspection for further questioning.

Once the occupants exited the vehicle, agents conducted a search of their persons (pat down) and discovered a small bible in the pocket of the passenger, CLAROS-Torres. Inside the bible agents found a Honduran Identification Card. Agents then asked CLAROS-Torres if he was in the United States illegally and he stated, "Yes." At that point agents placed DESIRE and CLAROS-Torres under arrest and escorted them inside the checkpoint.

MIRANDA RIGHTS

DESIRE was read his Miranda Rights in the English language. Subjects stated they understood his rights and was willing to provide statements without the presence of an attorney.

The material witness was read his Miranda Rights in his preferred language of Spanish. Subject stated he understood his rights and was willing to provide a statement without the presence of an attorney.

PRINCIPAL STATEMENT (Bakunduwukize DESIRE)

DESIRE stated, he came to McAllen, Texas from Houston, Texas with his girlfriend for a one day vacation. DESIRE stated, his girlfriend became angry with him in McAllen and left him there. DESIRE stated, he was staying at his friend's house. DESIRE stated, his friend knew a man that would give him a car to get back to Houston. DESIRE stated, the man gave him a car and also told him he would pay \$800.00 USD to transport CLAROS-Torres to Houston. DESIRE stated, he felt something, "was off" about CLAROS-Torres but agreed to transport him for the \$800.00USD.

MAT/WIT STATEMENT (Jose CLAROS-Torres)

CLAROS-Torres stated, he had been living in the streets of McAllen, Texas after crossing illegally into the United States fifteen day prior. CLAROS-Torres stated, he was at a soccer field and noticed a man in a car. CLAROS-Torres stated he approached the man and asked him for a ride to Houston, Texas. The man agreed to take him to Houston and they did not speak to one another at all before arriving at the checkpoint.

DISPOSITION:

The facts of this case were presented to Assistant United States Attorney David Paxton who accepted Bakunduwukize DESIRE for prosecution for violating Title 8 USC 1324, Alien Smuggling. Jose CLAROS-Torres will be held as a material witness in this case.



David Stone
Border Patrol Agent

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on December 9, 2019.



Jason B. Libby
United States Magistrate Judge